

106TH CONGRESS
1ST SESSION

H. R. 1522

To safeguard communities, lives, and property from catastrophic wildfire by authorizing contracts to reduce hazardous fuels buildups on forested Federal lands in wildland/urban interface areas while also using such contracts to undertake forest management projects to protect noncommodity resources, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1999

Mrs. CHENOWETH (for herself, Mr. HILL of Montana, Mr. HERGER, and Mr. DOOLITTLE) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To safeguard communities, lives, and property from catastrophic wildfire by authorizing contracts to reduce hazardous fuels buildups on forested Federal lands in wildland/urban interface areas while also using such contracts to undertake forest management projects to protect noncommodity resources, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Community Protection and Hazardous Fuels Reduction
 4 Act of 1999”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—COMMUNITY PROTECTION AND HAZARDOUS FUELS
 REDUCTION**

Sec. 101. Findings and purpose.

Sec. 102. Definitions.

Sec. 103. Identification of wildland/urban interface areas.

Sec. 104. Contracting to reduce hazardous fuels buildups and undertake forest
 management projects in wildland/urban interface areas.

Sec. 105. Monitoring requirements.

Sec. 106. Reporting requirements.

Sec. 107. Termination of authority.

Sec. 108. Authorization of appropriations.

TITLE II—OTHER MATTERS

Sec. 201. Establishment of forest fire research centers.

7 **TITLE I—COMMUNITY PROTEC-**
 8 **TION AND HAZARDOUS FUELS**
 9 **REDUCTION**

10 **SEC. 101. FINDINGS AND PURPOSE.**

11 (a) **FINDINGS.**—The Congress finds the following:

12 (1) Management of Federal lands has been
 13 characterized by large cyclical variations in fire sup-
 14 pression policies, timber harvesting levels, and the
 15 attention paid to commodity and noncommodity val-
 16 ues.

1 (2) Forests on Federal lands are experiencing
2 significant disease epidemics and insect infestations.

3 (3) The combination of inconsistent manage-
4 ment and natural effects has resulted in a hazardous
5 fuels buildup on Federal lands that threatens cata-
6 strophic wildfire.

7 (4) While the long-term effect of catastrophic
8 wildfire on forests and forest systems is a matter of
9 debate, there should be no question that forests
10 must be managed to prevent catastrophic wildfire in
11 areas of the Federal lands where wildlands abut, or
12 are located in close proximity to, communities, resi-
13 dences, and other private and public facilities on
14 non-Federal lands.

15 (5) Wildfire resulting from hazardous fuels
16 buildup in such wildland/urban interface areas
17 threatens the destruction of communities, puts
18 human life and property at risk, threatens commu-
19 nity water supplies with erosion that follows wildfire,
20 destroys wildlife habitat, and diminishes ambient air
21 quality.

22 (6) The Secretary of the Interior and the Sec-
23 retary of Agriculture must assign a high priority and
24 undertake aggressive management to reduce the risk
25 of wildfire in wildland/urban interface areas on Fed-

1 eral lands through the elimination of hazardous fuels
2 buildups in such areas. The protection of human life
3 and property and the protection of water supplies
4 and ambient air quality in wildland/urban interface
5 areas must be given the highest priority.

6 (7) The noncommodity resources of wildland/
7 urban interface areas on Federal lands, including
8 such resources as riparian zones and wildlife habi-
9 tats, which must be protected to provide recreational
10 opportunities, clean water, and other amenities to
11 neighboring communities and the public suffer from
12 a backlog of forest management projects designed to
13 provide such protection.

14 (8) In a period of fiscal austerity characterized
15 by shrinking budgets and personnel levels, Congress
16 must provide the Secretary of the Interior and the
17 Secretary of Agriculture with innovative tools to ac-
18 complish the required reduction in hazardous fuels
19 buildup and to undertake other forest management
20 projects in the wildland/urban interface areas on the
21 Federal lands at the least cost.

22 (b) PURPOSE.—The purpose of this title is to provide
23 new authority and innovative tools to the Secretary of the
24 Interior and the Secretary of Agriculture—

1 (1) to safeguard communities, lives, and prop-
2 erty by reducing or eliminating the threat of cata-
3 strophic wildfire in wildland/urban interface areas on
4 Federal lands; and

5 (2) to undertake needed forest management
6 projects in such areas.

7 **SEC. 102. DEFINITIONS.**

8 As used in this title:

9 (1) CONGRESSIONAL COMMITTEES.—The term
10 “congressional committees” means the Committee
11 on Resources and the Committee on Agriculture of
12 the House of Representatives and the Committee on
13 Energy and Natural Resources and the Committee
14 on Agriculture, Nutrition, and Forestry of the Sen-
15 ate.

16 (2) ELIGIBLE FOREST PRODUCTS SALE.—The
17 term “eligible forest products sale” means a sale of
18 forest products in a wildland/urban interface area
19 identified under section 103 that is conducted for
20 the primary purpose of reducing hazardous fuels
21 buildups in the area and is supplemental to the ex-
22 isting timber sale program for the Federal lands
23 containing the area.

24 (3) FEDERAL LANDS.—The term “Federal
25 lands” means—

1 (A) federally managed lands administered
2 by the Bureau of Land Management under the
3 Secretary of the Interior; and

4 (B) federally managed forest lands created
5 from the public domain and administered by
6 the Secretary of Agriculture.

7 (4) FOREST MANAGEMENT PROJECT.—The
8 term “forest management project” means a project
9 designed to protect one or more noncommodity re-
10 sources on or in close proximity to Federal lands.
11 Such projects may include riparian zone enhance-
12 ment, habitat improvement, noncommercial haz-
13 ardous fuels reduction, and soil stabilization or other
14 water quality improvement project.

15 (5) FOREST PRODUCT.—The term “forest prod-
16 ucts” means any tree or tree part that can be used
17 for a commercial purpose.

18 (6) FUELS.—The term “fuels” includes forage,
19 woody debris, duff, needle cast, brush, understory,
20 ladder fuels, and dead or dying overstory.

21 (7) HAZARDOUS FUELS BUILDUP.—The term
22 “hazardous fuels buildup” means the level of fuels
23 accumulation on Federal lands at which an ignition,
24 together with the right combination of weather and
25 topographic conditions, can result in—

1 (A) a dangerous exposure of risk to fire-
2 fighters and the public; or

3 (B) a high potential to cause risk of loss
4 to key components that define ecological re-
5 sources, capital investments, and private prop-
6 erty.

7 (8) LAND MANAGEMENT PLAN.—The term
8 “land management plan” means the following:

9 (A) With respect to Federal lands de-
10 scribed in paragraph (3)(A), a land use plan
11 prepared by the Bureau of Land Management
12 pursuant to section 202 of the Federal Land
13 Policy and Management Act of 1976 (43 U.S.C.
14 1712), or other multiple-use plan currently in
15 effect.

16 (B) With respect to Federal lands de-
17 scribed in paragraph (3)(B), a land and re-
18 source management plan (or if no final plan is
19 in effect, a draft land and resource manage-
20 ment plan) prepared by the Forest Service pur-
21 suant to section 6 of the Forest and Rangeland
22 Renewable Resources Planning Act of 1974 (16
23 U.S.C. 1604).

24 (9) SECRETARY CONCERNED.—The term “Sec-
25 retary concerned” means—

1 (A) with respect to the Federal lands de-
2 scribed in paragraph (3)(A), the Secretary of
3 the Interior; and

4 (B) with respect to the Federal lands de-
5 scribed in paragraph (3)(B), the Secretary of
6 Agriculture.

7 (10) WILDLAND/URBAN INTERFACE AREA.—
8 The term “wildland/urban interface area” means a
9 sufficient area or zone between structures or other
10 human development and undeveloped wildland or
11 vegetative fuel, as defined in the definitions of the
12 Secretary concerned in effect as of the date of the
13 enactment of this Act.

14 **SEC. 103. IDENTIFICATION OF WILDLAND/URBAN INTER-**
15 **FACE AREAS.**

16 (a) IDENTIFICATION DEADLINE.—On or before Feb-
17 ruary 28 of each year, each District Manager of the Bu-
18 reau of Land Management and each Forest Supervisor of
19 the Forest Service shall identify those areas on Federal
20 lands within the jurisdiction of the District Manager or
21 Forest Supervisor that the District Manager or Forest Su-
22 pervisor determines—

23 (1) are wildland/urban interface areas; and

24 (2) have hazardous fuels buildups and other
25 forest management needs that would benefit from

1 the use of forest management projects as provided in
2 section 104.

3 (b) PUBLIC PARTICIPATION.—At the end of the third
4 full fiscal year during which contracts are entered into
5 under section 104, each District Manager of the Bureau
6 of Land Management and each Forest Supervisor of the
7 Forest Service shall solicit recommendations from the pub-
8 lic regarding Federal lands within the jurisdiction of the
9 District Manager or Forest Supervisor that members of
10 the public feel qualify for identification as wildland/urban
11 interface areas and that have hazardous fuels buildups
12 and other forest management needs that would benefit
13 from the use of forest management projects as provided
14 in section 104.

15 **SEC. 104. CONTRACTING TO REDUCE HAZARDOUS FUELS**
16 **BUILDUPS AND UNDERTAKE FOREST MAN-**
17 **AGEMENT PROJECTS IN WILDLAND/URBAN**
18 **INTERFACE AREAS.**

19 (a) CONTRACTING AUTHORITY.—

20 (1) REDUCTION OF HAZARDOUS FUELS.—The
21 Secretary concerned is authorized to enter into con-
22 tracts under this section for the sale of forest prod-
23 ucts, the primary purpose of which is to reduce haz-
24 ardous fuels buildups in a wildland/urban interface
25 area identified under section 103.

1 (2) INCLUSION OF FOREST MANAGEMENT
2 PROJECTS.—As a condition of an eligible forest
3 products sale, the Secretary concerned may require
4 the purchaser of such products to undertake one or
5 more forest management projects in the wildland/
6 urban interface area. The Secretary concerned may
7 include a forest management project as a condition
8 in an eligible forest products sale only if the Sec-
9 retary determines that—

10 (A) the forest management project is con-
11 sistent with the applicable land management
12 plan; and

13 (B) the objectives of the forest manage-
14 ment project can be accomplished most cost ef-
15 ficiently and effectively when the project is per-
16 formed as part of the sale contract.

17 (b) FINANCING OF FOREST MANAGEMENT
18 PROJECTS.—

19 (1) FINANCING THROUGH SALES.—To finance a
20 forest management project required as a condition of
21 a contract for an eligible forest products sale under
22 subsection (a), the Secretary concerned shall include
23 in the contract a clause that reduces the amount
24 otherwise required to be paid to the United States
25 by the purchaser of forest products sold under the

1 contract. The amount of the reduction shall be de-
2 termined under paragraph (2) to offset costs in-
3 curred by the purchaser in carrying out the required
4 forest management project.

5 (2) AMOUNT OF REDUCTION OF PAYMENT.—

6 The amount of the price reduction in paragraph (1)
7 shall be equal to—

8 (A) the costs incurred by the purchaser in
9 carrying out the required forest management
10 project; minus

11 (B) any assistance paid to the purchaser
12 under subsection (c) to cover those costs.

13 (c) SUPPLEMENTAL FUNDING USING APPROPRIATED
14 FUNDS.—The Secretary concerned may use appropriated
15 funds to assist the purchaser of forest products in a con-
16 tract for an eligible forest products sale to undertake a
17 forest management project required as a condition of the
18 contract, if the funds are provided from the resource func-
19 tion or functions that directly benefit from the perform-
20 ance of the project and the funds are available from the
21 annual appropriation for such function or functions during
22 the fiscal year in which the sale is offered. The amount
23 of assistance to be provided for each forest management
24 project shall be included in the prospectus, and published
25 in the advertisement, for the eligible forest products sale.

1 (d) DETERMINATION OF FOREST MANAGEMENT
2 OFFSETS.—Prior to the advertisement of an eligible forest
3 products sale, the Secretary concerned shall determine the
4 maximum price reduction to be allowed under subsection
5 (b) for each forest management project to be required as
6 a condition of the sale contract. A description of the forest
7 management project, and the cost of the project that may
8 be offset against the purchaser’s payment for forest prod-
9 ucts in the sale, shall be included in the prospectus, and
10 published in the advertisement, for the sale.

11 (e) EFFECT ON MONEYS RECEIVED.—Only the
12 amounts actually paid by a purchaser under a contract
13 for an eligible forest products sale shall be considered to
14 be money received for purposes of title II of the Act of
15 August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181f), the
16 first section of the Act of May 24, 1939 (53 Stat. 753;
17 43 U.S.C. 1181f–1), the sixth paragraph under the head-
18 ing “FOREST SERVICE” in the Act of May 23, 1908
19 (35 Stat. 260; 16 U.S.C. 500), section 13 of the Act of
20 March 1, 1911 (36 Stat. 963; commonly known as the
21 Weeks Act; 16 U.S.C. 500), or other applicable law con-
22 cerning the distribution of receipts from the sale of forest
23 products on Federal lands.

24 (f) LIMITATION ON AMOUNT OF OFFSETS.—The
25 total amount by which purchase payments under contracts

1 for eligible forest products sales may be reduced under
2 subsection (b) each fiscal year—

3 (1) under contracts awarded by the Secretary of
4 the Interior, may not exceed \$20,000,000; and

5 (2) under contracts awarded by the Secretary of
6 Agriculture, may not exceed \$20,000,000.

7 **SEC. 105. MONITORING REQUIREMENTS.**

8 The Secretary concerned shall monitor the prepara-
9 tion and offering of contracts for eligible forest products
10 sales under section 104, and the performance of forest
11 management projects under the contracts to determine the
12 effectiveness of the contracts and forest management
13 projects in achieving the purpose of this title.

14 **SEC. 106. REPORTING REQUIREMENTS.**

15 (a) ANNUAL REPORT.—Not later than 90 days after
16 the end of each full fiscal year during which contracts are
17 entered into under section 104, the Secretary concerned
18 shall submit to the congressional committees a report,
19 which shall provide for the Federal lands within the juris-
20 diction of the Secretary concerned the following:

21 (1) A list of the wildland/urban interface areas
22 identified on or before February 28 of the previous
23 fiscal year pursuant to section 103.

24 (2) A summary of all contracts entered into,
25 and all forest management projects performed, pur-

1 suant to section 104 during the preceding fiscal
2 year.

3 (3) A discussion of any delays in excess of three
4 months encountered during the preceding fiscal year,
5 and likely to occur in the fiscal year in which the re-
6 port is submitted, in preparing and offering the
7 sales, and in performing the forest management
8 projects, pursuant to section 104.

9 (4) The results of the monitoring required by
10 section 105 of the contracts authorized, and the for-
11 est management projects performed, pursuant to
12 section 104.

13 (5) Any anticipated problems in the implemen-
14 tation of this title.

15 (b) **FOUR YEAR REPORT.**—The fourth report pre-
16 pared by the Secretary concerned under subsection (a)
17 shall contain, in addition to the matters required by sub-
18 section (a), an assessment by the Secretary concerned re-
19 garding whether the contracting authority provided in sec-
20 tion 104 should be reauthorized beyond the period speci-
21 fied in section 108(a). If the Secretary concerned feels
22 that reauthorization is warranted, the Secretary shall also
23 include such recommendations as the Secretary considers
24 appropriate regarding changes in the authority to better
25 achieve the purpose of this title.

1 **SEC. 107. TERMINATION OF AUTHORITY.**

2 (a) **TERMINATION DATE.**—The authority of the Sec-
3 retary concerned to offer eligible forest products sales
4 under section 104, and to require the purchasers of such
5 products to undertake forest management projects as a
6 condition of such sales, shall terminate at the end of the
7 five-fiscal year period beginning on the first October 1st
8 occurring after the date of the enactment of this Act.

9 (b) **EFFECT ON EXISTING SALES.**—Any contract for
10 an eligible forest products sale under section 104 entered
11 into before the end of the period specified in subsection
12 (a), and still in effect at the end of such period, shall re-
13 main in effect after the end of such period pursuant to
14 the terms of the contract.

15 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated for each of
17 the first five fiscal years beginning after the date of the
18 enactment of this Act such sums as may be necessary to
19 carry out this title.

20 **TITLE II—OTHER MATTERS**

21 **SEC. 201. ESTABLISHMENT OF FOREST FIRE RESEARCH**
22 **CENTERS.**

23 (a) **FINDINGS.**—Congress finds the following:

24 (1) There is an increasing threat of fire to mil-
25 lions of acres of forestlands and rangelands through-
26 out the United States.

1 (2) Today's forests and rangelands are the con-
2 sequence of land management practices that have
3 emphasized the control and prevention of fires.

4 (3) As a result of these management practices,
5 forestlands and rangelands in the United States are
6 no longer naturally functioning ecosystems, and
7 drought cycles and the invasion of insects and dis-
8 ease have resulted in vast areas of dead or dying
9 trees, overstocked stands, and the invasion of unde-
10 sirable species.

11 (4) Population movement into wildland/urban
12 interface areas (as defined in section 102) exacer-
13 bate the fire danger.

14 (5) The budgets and resources of local, State,
15 and Federal entities supporting firefighting efforts
16 have been stretched to their limits.

17 (6) Diminishing Federal resources (including
18 personnel) have limited the ability of Federal fire re-
19 searchers to respond to management needs, and to
20 utilize technological advancements for analyzing fire
21 management costs.

22 (7) The Federal fire research program is fund-
23 ed at approximately $\frac{1}{3}$ of what is required to ad-
24 dress emerging fire problems.

1 (8) In light of current fiscal constraints, there
2 is a critical need for cost-effective investments in im-
3 proved fire management technologies.

4 (b) ESTABLISHMENT OF RESEARCH CENTERS.—

5 (1) ESTABLISHMENT REQUIRED.—The Sec-
6 retary of Agriculture shall establish at least two for-
7 est fire research centers at institutions of higher
8 education that have expertise in natural resource de-
9 velopment and are located in close proximity to other
10 Federal natural resource, forest management, and
11 land management agencies.

12 (2) DESIGNATED LOCATIONS.—Of the forest
13 fire research centers established pursuant to para-
14 graph (1), at least one center shall be located in—

15 (A) Washington, Oregon, California, Idaho,
16 or Nevada; and

17 (B) Montana, Wyoming, Colorado, Utah,
18 Arizona, or New Mexico.

19 (c) PURPOSE OF RESEARCH CENTERS.—The forest
20 fire research centers established pursuant to subsection
21 (b) shall—

22 (1) conduct integrative, interdisciplinary re-
23 search into the ecological, socio-economic, and envi-
24 ronmental impacts of fire control and use in man-
25 aging ecosystems and landscapes; and

1 (2) develop mechanisms to rapidly transfer new
2 fire control and management technologies to fire and
3 land managers.

4 (d) ADVISORY COMMITTEE.—The Secretary of Agri-
5 culture, in consultation with the Secretary of Interior,
6 shall establish a committee composed of fire and land
7 managers and fire researchers to determine the areas of
8 emphasis and establish priorities for research projects con-
9 ducted at forest fire research centers established pursuant
10 to subsection (b). The Federal Advisory Committee Act
11 (5 U.S.C. App.) and title XVIII of the National Agricul-
12 tural Research, Extension, and Teaching Policy Act of
13 1977 (7 U.S.C. 2281 et seq.) shall not apply to the com-
14 mittee.

○